



Signed November 27, 2012.

Ronald B. King
United States Chief Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

In re:	§	CHAPTER 11
	§	
TXCO RESOURCES, INC., <i>et al.</i> ,	§	CASE NO. 09-51807-rbk
	§	
Debtors.	§	JOINTLY ADMINISTERED
_____	§	_____
	§	
TXCO RESOURCES, INC.,	§	
Plaintiff,	§	
	§	
v.	§	ADVERSARY
	§	NO. 09-05125-rbk
	§	
PEREGRINE PETROLEUM, L.L.C.,	§	
Defendant.	§	

**MEMORANDUM REGARDING THE
JOINT MOTION TO VACATE JUDGMENT AND OPINION
OF THE BANKRUPTCY COURT**

CAME ON, for consideration, the Joint Motion of PEREGRINE PETROLEUM, L.L.C. (“Peregrine”) and REORGANIZED TXCO RESOURCES, INC., as successor in interest to TXCO Resources, Inc. (“RTXCO”), to Vacate Judgment and Opinion of the Bankruptcy Court (“Joint Motion to Vacate”). As indicated in the Joint Motion to Vacate, the Court presently lacks

jurisdiction to grant the FED. R. CIV. P. 60(b) relief sought therein, due to the pendency of the parties' Appeal and Cross-Appeal in the United States District Court for the Western District of Texas ("District Court"). However, pursuant to well-established procedures approved by the United States Court of Appeals for the Fifth Circuit and nearly all other circuit courts of appeals, and as set out in the Joint Motion to Vacate and the authorities cited therein, this Court does have authority to indicate, and does hereby indicate for the record, that it would grant the Joint Motion to Vacate if the District Court were to remand Cause No. 5:12-cv-01058-OLG for the limited purpose of re-vesting this Court with jurisdiction to consider and rule on such motion.

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APPROVED AS TO FORM AND SUBSTANCE:

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